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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/027,868

**Applicant(s)**

HYVARINEN ET AL.

**Examiner**

CHRISTOPHER P. GREY

**Art Unit**

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 April 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-28 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 12, 17, 18, 21, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorsuch (US 6526034) in view of Sinton et al. (US RE38,787), hereinafter referred to as Sinton.

**Regarding Claim 1.** Gorsuch discloses attaching a mobile station (**fig 6 shows a wireless laptop and PMCIA card, both being mobile**) to a first network (**fig 5, 613 A shows a first network encompassed by the circle**) and transmitting a first data transmission service request for communication (**Col 9 lines 10-15, wherein a probe request is transmitted to a first LAN network, and access is gained, and the response indicated that a service and access is available to another terminal**) with a terminal (**Col 9 lines 30-32, where a user at a terminal desires to communicate with a second site, where the second site is equivalent to a terminal**).

Gorsuch discloses communicating with a terminal via a second network (**fig 5, 601 shows a long range network equivalent to a second network**) in response to the data transmission service not being providable (**Col 9 lines 17-21, notice that when no beacon is received or no probe response is received, the service is not providable**) substantially in accordance with the first data transmission service request

**(Col 9 lines 17-22, where no probe response is received in response to the probe/service request) and the terminal not being reachable via the first network (Col 9 lines 17-23, where the short range network is not accessible).**

Gorsuch does not specifically disclose transmitting a second service request from the mobile station to a second network.

Sainton disclose transmitting a second service request **(fig 11, 1102, where an omni modal circuit accesses a service provider, where this “access” is equivalent to a request in that further in fig 11, at 1106, a response is issued from the service provider) from the mobile station (Col 20 lines 21-22, where the access is from a omni-modal circuit, such as the one used in a mobile station such as the one shown in fig 4a and 4b, see description of fig for mapping the omni modal circuit to the device) to a second network (Col 20 lines 21-22, where a service provider is accessed, where a service provider is inherent part of a service network).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the method of accessing a second long range network of Gorsuch, as taught by Sainton, since stated in the title that such a modification will enhance a device in operating in an omni modal manner.

**Regarding Claim 2.** Gorsuch discloses a primary network being determined in the mobile station **(Col 9 lines 10-16, “the terminal 615 will use the wireless LAN”)**, the primary network determined in the mobile station is checked when a need arises to transfer data between the terminal and the mobile station **(Col 9 lines 10-15, wherein Gorsuch discloses actively transmitting a probe request)**, and the availability of the

requested data transmission service and the reachability of the terminal first in the primary network are checked in response to the mobile station being located in the coverage area of the primary network **(Col 9 lines 10-16, where a probe response indicated that accessibility is allowed to another terminal or device via the LAN network).**

**Regarding Claim 10.** Gorsuch does not specifically disclose the mobile station measures signal levels of base transceiver stations or access points comprised by the local network in response to the public mobile network providing data transmission service to the mobile station, a service request is transmitted from the mobile station to the local network for obtaining that data transmission service in response to the access point or base transceiver station of the local network providing a sufficient signal level, the reachability of the terminal in the local network are checked, a connection to the terminal via the local network is established in response to the data transmission service being providable substantially in accordance with the service request and the terminal being reachable via the local network, and the connection to the terminal via the public mobile network is released.

Sainton discloses the mobile station measures signal levels of base transceiver stations or access points comprised by the local network in response to the public mobile network providing data transmission service to the mobile station, a service request is transmitted from the mobile station to the local network for obtaining that data transmission service in response to the access point or base transceiver station of the local network providing a sufficient signal level, the reachability of the terminal in the

local network are checked, a connection to the terminal via the local network is established in response to the data transmission service being providable substantially in accordance with the service request and the terminal being reachable via the local network, and the connection to the terminal via the public mobile network is released **(Col 16 lines 32-58, where circuit 1 uses the signal strength of a transmission link such as the strength of the transmission link for the 802.11 or cdma link disclosed in Gorsuch, and dependent on the signal strength, a carrier is selected).**

It would have been obvious to one of the ordinary skill in the art to modify the wireless unit as disclosed by Gorsuch to take into consideration signal strengths as disclosed by Sainton. The motivation for this combination is for automatic selection of a carrier.

**Regarding Claim 11,** Gorsuch does not specifically disclose the mobile station measuring signal levels of the base transceiver stations comprised by the public mobile network in response to the local network providing data transmission service to the mobile station, the service request being transmitted from the mobile station to the public mobile network in response to the signal levels of the measured access points or base transceiver stations of the local network being substantially lower than the signal level of the base transceiver station of the public mobile network, and the connection to the local network being released after establishing a connection to the terminal via the public mobile network.

Sainton discloses the mobile station measuring signal levels of the base transceiver stations comprised by the public mobile network in response to the local network providing data transmission service to the mobile station, the service request being transmitted from the mobile station to the public mobile network in response to the signal levels of the measured access points or base transceiver stations of the local network being substantially lower than the signal level of the base transceiver station of the public mobile network, and the connection to the local network being released after establishing a connection to the terminal via the public mobile network (**Col 16 lines 32-58, where circuit 1 uses the signal strength of a transmission link such as the strength of the transmission link for the 802.11 or cdma link disclosed in Gorsuch, and dependent on the signal strength, a carrier is selected**).

It would have been obvious to one of ordinary skill in the art to modify the wireless unit as disclosed by Gorsuch to take into consideration signal strengths as disclosed by Sainton. The motivation for this combination is for automatic selection of a carrier.

**Regarding claim 12,** Gorsuch discloses a wireless local network network (**fig 5, 613 A shows a local network encompassed by the circle**),

least one public mobile network (**fig 5, 601 shows a long range network equivalent to a public mobile network**),

at least one mobile station (**fig 6 shows a wireless laptop and PCMCIA card, both being mobile**) supporting both of the networks (**fig 5 shows each wireless**

**device 615 and 617 being supported by both networks 601 and 613) and at least one terminal (Col 9 lines 30-32, where a user at a terminal desires to communicate with a second site, where the second site is equivalent to a terminal),**

wherein the system is configured to check availability of a data transmission service and reachability of a terminal **(Col 9 lines 10-15, wherein a probe/service request is transmitted to a LAN network, where this probe/service request initiates a response from the LAN that indicates its reachability)** in the local network in response to the mobile station being attached to the local network **(Col 9 lines 10-12, where a mobile actively transmits the probe request, where the phrase actively implies that the request/check is being performed continuously throughout time, including when the mobile is already attached to the local network)** and data transmission being desired between the mobile station and the terminal **(Col 9 lines 30-32, where a user of a terminal/mobile desires to communicate with a second site, where the second site is equivalent to a terminal),**

Communicating with a public mobile network **(fig 5, 601 shows a long range network equivalent to a public mobile network)** in response to the data transmission service not being providable **(Col 9 lines 17-21, notice that when no beacon is received or no probe response is received, the service is not providable)** substantially in accordance with an original service request **(Col 9 lines 17-22, where no probe response is received in response to the probe/service request) and/or**



the terminal not being reachable via the local network (**Col 9 lines 17-23, where the short range network is not accessible**).

Gorsuch does not specifically disclose the mobile station is configured to transmit a new data transmission service request to the public mobile network in response to the data transmission service not being providable substantially in accordance with an original service request and/or the terminal not being reachable via the local network.

Sainton discloses the mobile station (**Col 20 lines 21-22, where the access is from a omni-modal circuit, such as the one used in a mobile station such as the one shown in fig 4a and 4b, see description of fig for mapping the omni modal circuit to the device**) is configured to transmit a new data transmission service request (**fig 11, 1102, where an omni modal circuit accesses a service provider, where this “access” is equivalent to a request in that further in fig 11, at 1106, a response is issued from the service provider**) to the public mobile network (**Col 20 lines 21-22, where a service provider is accessed, where a service provider is inherently apart of a service network**).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the method of accessing a second long range network of Gorsuch, as taught by Sainton, since stated in the title that such a modification will enhance a device in operating in an omni modal manner.

**Regarding Claim 17,** Gorsuch discloses the local network supporting IEEE 802.11 standard (fig 6, 207).

Gorsuch discloses wherein it should be understood that other wireless communication protocols also may be used other than CDMA such as GSM (as disclosed in Col 5 lines 24-33).

**Regarding claim 18,** Gorsuch discloses a transmitter (fig 6 shows a wireless laptop and PMCIA card, both being mobile) configured to transmit a first service request (Col 9 lines 10-15, wherein a probe request is transmitted to a first LAN network, and access is gained, and the response indicated that a service and access is available to another terminal) to a first network (fig 5, 613 A shows a first network encompassed by the circle) in response to the apparatus being attached to the first network (Col 9 lines 10-12, where a mobile actively transmits the probe request, where the phrase actively implies that the request/check is being performed continuously throughout time, including when the mobile is already attached to the first network) and data transmission being desired between the apparatus and a terminal (Col 9 lines 30-32, where a user of a terminal/mobile desires to communicate with a second site, where the second site is equivalent to a terminal),

Communicating with a second network (fig 5, 601 shows a long range network equivalent to a second network) in response to at least one of the data transmission service not being providable (Col 9 lines 17-21, notice that when no beacon is received or no probe response is received, the service is not providable) in the first network substantially in accordance with the first service request (Col 9 lines 17-22, where no probe response is received in response to the probe/service

**request)** and the terminal not being reachable via the first network (**Col 9 lines 17-23, where the short range network is not accessible**).

Gorsuch does not specifically disclose wherein the transmitter is further configured to transmit a second service request to the second network.

Sainton discloses wherein the transmitter (**Col 20 lines 21-22, where the access is from a omni-modal circuit, such as the one used in a mobile station such as the one shown in fig 4a and 4b, see description of fig for mapping the omni modal circuit to the mobile device, where the mobile device is equivalent to a transmitter**) is further configured to transmit a second service request (**fig 11, 1102, where an omni modal circuit accesses a service provider, where this “access” is equivalent to a request in that further in fig 11, at 1106, a response is issued from the service provider**) to the second network (**Col 20 lines 21-22, where a service provider is accessed, where a service provider is inherently apart of a service network**).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the method of accessing a second long range network of Gorsuch, as taught by Sainton, since stated in the title that such a modification will enhance a device in operating in an omni modal manner.

**Regarding claim 25.** Gorsuch discloses a means (**fig 6 shows a wireless laptop and PMCIA card, both being mobile**) for transmitting a first service request (**Col 9 lines 10-15, wherein a probe request is transmitted to a first LAN network, and**

**access is gained, and the response indicated that a service and access is available to another terminal) to a first network (fig 5, 613 A shows a first network encompassed by the circle) in response to the apparatus being attached to the first network (Col 9 lines 10-12, where a mobile actively transmits the probe request, where the phrase actively implies that the request/check is being performed continuously throughout time, including when the mobile is already attached to the first network) and data transmission being desired between the apparatus and a terminal (Col 9 lines 30-32, where a user of a terminal/mobile desires to communicate with a second site, where the second site is equivalent to a terminal),**

Communicating with a second network (**fig 5, 601 shows a long range network equivalent to a second network**) in response to at least one of the data transmission service not being providable (**Col 9 lines 17-21, notice that when no beacon is received or no probe response is received, the service is not providable**) in the first network substantially in accordance with the first service request (**Col 9 lines 17-22, where no probe response is received in response to the probe/service request**) and the terminal not being reachable via the first network (**Col 9 lines 17-23, where the short range network is not accessible**).

Gorsuch does not specifically disclose wherein the means is further configured to transmit a second service request to the second network.

Sainton discloses wherein the transmitter (**Col 20 lines 21-22, where the access is from a omni-modal circuit, such as the one used in a mobile station such as the one shown in fig 4a and 4b, see description of fig for mapping the omni modal circuit to the mobile device, where the mobile device is equivalent to a transmitter**) is further configured to transmit a second service request (**fig 11, 1102, where an omni modal circuit accesses a service provider, where this “access” is equivalent to a request in that further in fig 11, at 1106, a response is issued from the service provider**) to the second network (**Col 20 lines 21-22, where a service provider is accessed, where a service provider is inherently apart of a service network**).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the method of accessing a second long range network of Gorsuch, as taught by Sainton, since stated in the title that such a modification will enhance a device in operating in an omni modal manner.

**Regarding claim 28,** Gorsuch discloses a processor usable medium having processor readable program code embodied therein (**Col 10 lines 55-59, see software**) for connecting a mobile terminal to a terminal over a network (**Col 10 lines 53-59, where the device shown in fig 6 is connected to a WLAN or CDMA network**), the processor readable program code further comprising:

processor readable program code for causing a processor to attach the mobile station (**fig 6 shows a wireless laptop and PMCIA card, both being mobile**) to a first network (**fig 5, 613 A shows a first network encompassed by the circle**)

and transmitting a first data transmission service request communication (**Col 9 lines 10-15, wherein a probe request is transmitted to a first LAN network, and access is gained, and the response indicated that a service and access is available to another terminal**) for communication with a terminal (**Col 9 lines 30-32, where a user at a terminal desires to communicate with a second site, where the second site is equivalent to a terminal**);

communicating with a second network (**fig 5, 601 shows a long range network equivalent to a second network**) in response to the data transmission service not being providable (**Col 9 lines 17-21, notice that when no beacon is received or no probe response is received, the service is not providable**) substantially in accordance with the first data transmission service request (**Col 9 lines 17-22, where no probe response is received in response to the probe/service request**) and the terminal not being reachable via the first network (**Col 9 lines 17-23, where the short range network is not accessible**).

Gorsuch does not specifically disclose a processor readable program code for causing a processor to transmit a second service request from the mobile station to a second network.

Sainton discloses a processor readable program code for causing a processor to transmit a second service request (**fig 11, 1102, where an omni modal circuit accesses a service provider, where this "access" is equivalent to a request in that further in fig 11, at 1106, a response is issued from the service provider**) from the

mobile station (**Col 20 lines 21-22, where the access is from a omni-modal circuit, such as the one used in a mobile station such as the one shown in fig 4a and 4b, see description of fig for mapping the omni modal circuit to the device**)to a second network (**Col 20 lines 21-22, where a service provider is accessed, where a service provider is inherently apart of a service network**).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the method of accessing a second long range network of Gorsuch, as taught by Sainton, since stated in the title that such a modification will enhance a device in operating in an omni modal manner.

1. Claims 3, 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorsuch (US 6526034) and Sainton et al. (US RE38,787) as applied to the claims above, and further in view of Roberts et al. (US 7181201), hereinafter referred to as Roberts.

**Regarding claim 3.** The combined teachings of Gorsuch and Sainton disclose a service request being transmitted to a second network as disclosed in the rejection of claim 1.

The combined teachings of Gorsuch and Sainton do not specifically disclose wherein the mobile station checks whether the terminal belongs to the first network in response to the mobile station being attached to the first network and data transmission being desired between the mobile station and the terminal.

Roberts discloses wherein the mobile station checks whether the terminal belongs to the first network in response to the mobile station being attached to the first network and data transmission being desired between the mobile station and the terminal (fig 6 Col 4 lines 4-28, wherein the base station system determines the location of a called party/terminal, where the called party is attached to the network if the location is found in the database. Roberts also discloses communicating back to the mobile station the result of the location request).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the combined teachings of Gorsuch and Sainton so as to implement to location query of the called party as disclosed by Roberts. The motivation for this combination is to properly and accurately route a call (see abstract).

**Regarding claim 13.** The combined teachings of Gorsuch and Sainton disclose a service request being transmitted to a second network as disclosed in the rejection of claim 12.

The combined teachings of Gorsuch and Sainton do not specifically disclose wherein the mobile station checks whether the terminal belongs to the first network in response to the mobile station being attached to the first network and data transmission being desired between the mobile station and the terminal.

Roberts discloses wherein the mobile station checks whether the terminal belongs to the first network in response to the mobile station being attached to the first network and data transmission being desired between the mobile station and the terminal (fig 6 Col 4 lines 4-28, wherein the base station system determines the location



of a called party/terminal, where the called party is attached to the network if the location is found in the database. Roberts also discloses communicating back to the mobile station the result of the location request).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the combined teachings of Gorsuch and Sainton so as to implement to location query of the called party as disclosed by Roberts. The motivation for this combination is to properly and accurately route a call (see abstract).

**Regarding claim 19.** The combined teachings of Gorsuch and Sainton disclose a service request being transmitted to a second network as disclosed in the rejection of claim 18.

The combined teachings of Gorsuch and Sainton do not specifically disclose wherein the mobile station checks whether the terminal belongs to the first network in response to the mobile station being attached to the first network and data transmission being desired between the mobile station and the terminal.

Roberts discloses wherein the mobile station checks whether the terminal belongs to the first network in response to the mobile station being attached to the first network and data transmission being desired between the mobile station and the terminal (fig 6 Col 4 lines 4-28, wherein the base station system determines the location of a called party/terminal, where the called party is attached to the network if the location is found in the database. Roberts also discloses communicating back to the mobile station the result of the location request).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the combined teachings of Gorsuch and Sainton so as to implement to location query of the called party as disclosed by Roberts. The motivation for this combination is to properly and accurately route a call (see abstract).

2. Claims 4, 5, 6, 7, 8, 9, 14, 15, 16, and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Gorsuch (US 6526034) and Sainton et al. (US RE38,787) as applied to the claims above, and further in view of McCanne et al. (US 6901445), hereinafter referred to as McCanne

**Regarding Claim 4.** The combined teachings of Gorsuch and Sainton disclose a service request being transmitted from the mobile station to the local network, the availability of the requested data transmission service and the reachability of the terminal are checked **(as disclosed within the rejection of claim 1).**

The combined teachings of Gorsuch and Sainton disclose the service request being transmitted from the mobile station to the public mobile network in response to the short range network not being accessible **(as disclosed within the rejection of claim 1).**

The combined teachings of Gorsuch and Sainton do not specifically disclose a message is transmitted from the local network to the mobile station in response to the data transmission service not being providable (see element 960 in fig 7) substantially in

accordance with the service request and/or the terminal not being reachable via the local network, and the service request being transmitted from the mobile station to the public mobile network in response to the message received from the local network.

McCanne discloses a client or mobile station sending a service request to a device, and that device sending a redirection message back to the client, where that redirection message allows the client to send a further request to another node **(Col 16 lines 48-62, wherein the redirection message is equivalent to the message claimed)**.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined teachings of Gorsuch and Sainton such that the LAN is capable of sending a message indicating that the service is not available and where a service request should be retransmitted as disclosed by McCanne. The motivation for this modification is to deliver content without interruption **(Col 16 lines 45-47)**.

**Regarding Claim 5.** The combined teachings of Gorsuch and Sainton do not specifically disclose said response message comprising a command to transmit the service request to another network.

McCanne discloses a redirection message that indicates a redirection to another service node or network **(Col 16 lines 48-62)**.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined teachings of Gorsuch and Sainton such that the LAN is capable of sending a message indicating that the service is not available and where a

service request should be retransmitted as disclosed by McCanne. The motivation for this modification is to deliver content without interruption **(Col 16 lines 45-47)**.

**Regarding Claim 6,** The combined teachings of Gorsuch and Sainton disclose transmitting a service request to the determined public mobile network as disclosed in the rejection of claim 1.

The combined teachings of Gorsuch and Sainton do not specifically disclose the local network determining the network whereto the mobile station should send the service request.

McCanne discloses a first node or network (ARN) determining where to redirect a request message **(Col 6 lines 48-62)**.

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the combined teachings of Gorsuch and Sainton such that the LAN is capable of sending a message indicating that the service is not available and where a service request should be retransmitted as disclosed by McCanne. The motivation for this modification is to deliver content without interruption **(Col 16 lines 45-47)**.

**Regarding Claim 7,** Gorsuch discloses the mobile station maintaining a list on networks from wherefrom services are sought **(fig 1, 29)**.

The combined teachings of Gorsuch and Sainton disclose the mobile station determining the network whereto the service request should be transmitted and the service request being transmitted to the public mobile network (see rejection of claim 1) determined based on the list **(Gorsuch Col 6 lines 15-35, bandwidth management is involved in protocol converting)**.

The combined teachings of Gorsuch and Sainton do not specifically disclose making the determination in response to a message.

McCanne discloses a first node or network (ARN) determining where to redirect a request message (Col 6 lines 48-62).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the combined teachings of Gorsuch and Sainton such that the LAN is capable of sending a message indicating that the service is not available and where a service request should be retransmitted as disclosed by McCanne. The motivation for this modification is to deliver content without interruption (Col 16 lines 45-47).

**Regarding Claim 8.** The combined teachings of Gorsuch and Sainton do not specifically disclose wherein a location database of the local network is checked to determine whether the terminal of the called number included in the service request is attached to the local network, and said message is transmitted from the local network to the mobile station in response to the terminal not being attached to the local network.

McCanne discloses the location database of the local network being checked to determine whether the terminal of the called number included in the service request is attached to the local network (Col 17 lines 42-53 and Col 18 lines 44-Col 32).

McCanne discloses the message being transmitted from the local network to the mobile station in response to the terminal not being attached to the local network (Col 19 lines 8-Col 28).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the combined teachings of Gorsuch and Sainton such that the LAN

is capable of sending a message indicating that the service is not available and where a service request should be retransmitted as disclosed by McCanne. The motivation for this modification is to deliver content without interruption (**Col 16 lines 45-47**).

**Regarding Claim 9.** The combined teachings of Gorsuch and Sainton do not specifically disclose wherein the called number is associated in the location database with a second number, said message comprises the second number, and the service request comprising said second number being transmitted to the public mobile network

McCanne discloses the called number being associated in the location database with a second number (Col 18 lines 3034), where each service node contains an IP address

McCanne also discloses the message comprising the second number, and the service request comprising the second number being transmitted to the public mobile network (Col 19 lines 8-27), where a redirection message contains a new service nodes IP address (second number).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the combined teachings of Gorsuch and Sainton such that the I\_AN is capable of sending a message indicating that the service is not available and where a service request should be retransmitted as disclosed by McCanne. The motivation for this modification is to deliver content without interruption (Col 16 lines 45-47).

**Regarding Claim 14.** The combined teachings of Gorsuch and Sainton disclose a service request being transmitted from the mobile station to the local network, the

availability of the requested data transmission service and the reachability of the terminal are checked **(as disclosed within the rejection of claim 1)**.

The combined teachings of Gorsuch and Sainton disclose the service request being transmitted from the mobile station to the public mobile network in response to the short range network not being accessible **(as disclosed within the rejection of claim 1)**.

The combined teachings of Gorsuch and Sainton do not specifically disclose a message is transmitted from the local network to the mobile station in response to the data transmission service not being providable (see element 960 in fig 7) substantially in accordance with the service request and/or the terminal not being reachable via the local network, and the service request being transmitted from the mobile station to the public mobile network in response to the message received from the local network.

McCanne discloses a client or mobile station sending a service request to a device, and that device sending a redirection message back to the 1<sup>st</sup> client, where that redirection message allows the client to send a further request to another node **(Col 16 lines 48-62, wherein the redirection message is equivalent to the message claimed)**.

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the combined teachings of Gorsuch and Sainton such that the LAN is capable of sending a message indicating that the service is not available and where a service request should be retransmitted as disclosed by McCanne. The motivation for this modification is to deliver content without interruption **(Col 16 lines 45-47)**.

**Regarding Claim 15.** The combined teachings of Gorsuch and Sainton do not specifically disclose said response message comprising a command to transmit the service request to another network.

McCanne discloses a redirection message that indicates a redirection to another service node or network **(Col 16 lines 48-62)**.

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the combined teachings of Gorsuch and Sainton such that the LAN is capable of sending a message indicating that the service is not available and where a service request should be retransmitted as disclosed by McCanne. The motivation for this modification is to deliver content without interruption **(Col 16 lines 45-47)**.

**Regarding Claim 16.** Gorsuch discloses the mobile station maintaining a list on networks from wherefrom services are sought **(fig 1, 29)**.

The combined teachings of Gorsuch and Sainton disclose the mobile station determining the network whereto the service request should be transmitted and the service request being transmitted to the public mobile network (see rejection of claim 1) determined based on the list **(Gorsuch Col 6 lines 15-35, bandwidth management is involved in protocol converting)**.

The combined teachings of Gorsuch and Sainton do not specifically disclose making the determination in response to a message.

McCanne discloses a first node or network (ARN) determining where to redirect a request message **(Col 6 lines 48-62)**.



It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the combined teachings of Gorsuch and Sainton such that the LAN is capable of sending a message indicating that the service is not available and where a service request should be retransmitted as disclosed by McCanne. The motivation for this modification is to deliver content without interruption (**Col 16 lines 45-47**).

**Regarding Claim 20.** Gorsuch discloses the mobile station maintaining a list on networks from wherefrom services are sought (**fig 1, 29**).

The combined teachings of Gorsuch and Sainton disclose the mobile station determining the network where to the service request should be transmitted and the service request being transmitted to the public mobile network (see rejection of claim 1) determined based on the list (**Gorsuch Col 6 lines 15-35, bandwidth management is involved in protocol converting**).

The combined teachings of Gorsuch and Sainton do not specifically disclose making the determination in response to a message.

McCanne discloses a first node or network (ARN) determining where to redirect a request message (**Col 6 lines 48-62**).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the combined teachings of Gorsuch and Sainton such that the LAN is capable of sending a message indicating that the service is not available and where a service request should be retransmitted as disclosed by McCanne. The motivation for this modification is to deliver content without interruption (**Col 16 lines 45-47**).

**Regarding claim 29,**

Gorsuch discloses processor readable

program code for causing a processor to check the availability of the requested data transmission service and the reachability of the terminal **(Col 9 lines 10-15, wherein a probe/service request is transmitted to a LAN network, where this probe/service request initiates a response from the LAN that indicates its reachability).**

The combined teachings of Gorsuch and Sainton do not specifically disclose processor readable program code for causing a processor to transmit a message from the first network to the mobile station in response to the data transmission service not being providable substantially in accordance with the service request and/or the terminal not being reachable via the first network; and processor readable program code for causing a processor to transmit the service request from the mobile station to the second network in response to said message received from the first network.

McCanne discloses processor readable program code for causing a processor to transmit a message from the first network to the mobile station in response to the data transmission service not being providable substantially in accordance with the service request and/or the terminal not being reachable via the first network; and processor readable program code for causing a processor to transmit the service request from the mobile station to the second network in response to said message received from the first network **(Col 16, lines 48-60, where an initial service request is sent to a first address/network which is equivalent to a first network, and a redirection message being sent back to the client, where the client is equivalent to a mobile station, and in response to the redirection message, the client/mobile sends another**

**service request 824 to another node, where this node is equivalent to a second network).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the combined teachings of Gorsuch and Sainton such that the LAN is capable of sending a message indicating that the service is not available and where a service request should be retransmitted as disclosed by McCanne. The motivation for this modification is to deliver content without interruption **(Col 16 lines 45-47).**

3. Claims 21-24, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCanne et al. (US 6901445), hereinafter referred to as McCanne in view of Gorsuch (US 6526034)

**Regarding Claims 21,** McCanne discloses means for receiving a first service request from a mobile station attached to a first node and requiring data transmission being between the mobile station and a terminal **(Col 16 lines 48-62, ARN receives a service request).**

McCanne discloses means for checking the availability of the requested data transmission service and the reachability of the terminal (Col 16 lines 4-31, selecting a candidate based on availability and Col 16 lines 40-43, where failover indicated the reachability of a terminal).

Discloses means for transmitting a message to the mobile station in response to at least one of the data transmission service not being providable substantially in accordance with the service request and the terminal not being reachable via the first

node (Col 16 line 63-Col 17 line 2, based on a disruption, the ARN sends a redirection message).

Discloses means for adapting to cause a second service request to be transmitted from the mobile station to a second node in response to the message (Col 17 lines 2-5, new service request issued to a new node).

McCanne does not specifically disclose the networks, but discloses nodes, which are equivalent to a network by definition.

However Gorsuch discloses a mobile station accessing a first network (802.11 network) and in the even of a disruption, accessing a second network (CDMA network) as shown in fig 6.

It would have been obvious to one of the ordinary skill in the art at the time of the invention that the nodes as disclosed by McCanne are representative of networks such as that shown in Gorsuch. It would have been obvious to one of the ordinary skill in the art, to combine the other components of the networks as disclosed by Gorsuch to the nodes disclosed by McCanne. The motivation for this combination is for access to multiple networks using a multi protocol transceiver.

**Regarding Claim 22.** McCanne discloses wherein the apparatus is configured to determine the network whereto the mobile station should transmit the service request (Col 16 line 65-Col 17 line 2, ARN determines a new redirection message).

McCanne discloses the apparatus being configured to send a command in said message to transmit the service request to a determined second network (Col 17 lines 2-5, new service request is transmitted to new service node).

**Regarding Claim 23.** McCanne discloses wherein the apparatus supports wireless local area network **(18 line 50 local network and Col 13 lines 16-19).**

**Regarding Claim 24.** McCanne discloses wherein the apparatus is configured to operate as part of a network element. **(ARN is a network element, claim is very broad for interpretation).**

**Regarding Claims 26.** McCanne discloses means for receiving a first service request from a mobile station attached to a first node and requiring data transmission being between the mobile station and a terminal **(Col 16 lines 48-62, ARN receives a service request).**

McCanne discloses means for checking the availability of the requested data transmission service and the reachability of the terminal (Col 16 lines 4-31, selecting a candidate based on availability and Col 16 lines 40-43, where failover indicated the reachability of a terminal).

Discloses means for transmitting a message to the mobile station in response to at least one of the data transmission service not being providable substantially in accordance with the service request and the terminal not being reachable via the first node **(Col 16 line 63-Col 17 line 2, based on a disruption, the ARN sends a redirection message).**

Discloses means for adapting to cause a second service request to be transmitted from the mobile station to a second node in response to the message (Col 17 lines 2-5, new service request issued to a new node).

McCanne does not specifically disclose the networks, but discloses nodes, which are equivalent to a network by definition.

However Gorsuch discloses a mobile station accessing a first network (802.11 network) and in the even of a disruption, accessing a second network (CDMA network) as shown in fig 6.

It would have been obvious to one of the ordinary skill in the art at the time of the invention that the nodes as disclosed by McCanne are representative of networks such as that shown in Gorsuch. It would have been obvious to one of the ordinary skill in the art, to combine the other components of the networks as disclosed by Gorsuch to the nodes disclosed by McCanne. The motivation for this combination is for access to multiple networks using a multi protocol transceiver.

**Regarding Claim 27.** McCanne discloses wherein the apparatus is configured to determine the network whereto the mobile station should transmit the service request (Col 16 line 65-Col 17 line 2, ARN determines a new redirection message).

McCanne discloses the apparatus being configured to send a command in said message to transmit the service request to a determined second network (Col 17 lines 2-5, new service request is transmitted to new service node).

### ***Response to Arguments***

4. Applicant's arguments filed on 4/1/08 have been fully considered but they are not persuasive.

- a. The applicant argued that the cited art does not disclose "transmitting a second service request from the mobile station to a second network in response to the data transmission service not being providable substantially in accordance with the first data transmission service request and the terminal not being reachable via the first network".

The examiner point to the rejection of claim 1, where the examiner states, "Gorsuch discloses communicating with a terminal via a second network (**fig 5, 601 shows a long range network equivalent to a second network**) in response to the data transmission service not being providable (**Col 9 lines 17-21, notice that when no beacon is received or no probe response is received, the service is not providable**) substantially in accordance with the first data transmission service request (**Col 9 lines 17-22, where no probe response is received in response to the probe/service request**) and the terminal not being reachable via the first network (**Col 9 lines 17-23, where the short range network is not accessible**). Gorsuch does not specifically disclose transmitting a second service request from the mobile station to a second network.

Sainton disclose transmitting a second service request (**fig 11, 1102, where an omni modal circuit accesses a service provider, where this "access" is equivalent to a request in that further in fig 11, at 1106, a response is issued from the service provider**) from the mobile station (**Col 20 lines 21-22, where the access is from a omni-modal circuit, such as the one used in a mobile station such as the one shown in fig 4a and 4b, see description of fig for mapping the omni modal circuit to the device**) to a second network (**Col 20 lines 21-22, where a service provider is accessed, where a service provider is inherently apart of a service network**).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the method of accessing a second long range network of Gorsuch, as taught by Sainton, since stated in the title that such a modification will enhance a device in operating in an omni modal manner."

The examiner notes that Gorsuch is used in order to show that a second network is accessed in response to a first service request to a first network not being fulfilled. Sainton is introduced in order to show that in order for Gorsuch to access a second network, a service request (a second service request) is used to the second/new network.

- b. Pertaining to the claims (3, 13 and 19) in further view of Roberts (see page 12 of remarks), the applicant suggests that there is no checking of the first

service request and there is no transmitting of a second request by the caller to a second network, if the first service cannot be fulfilled in the first network.

The examiner is unclear about specifically what part of the claim Roberts does not address. The applicant makes several references to teachings that Roberts does disclose, and then goes on to say that Roberts does not suggest checking of the first service request (see page 12 the last 2 lines), which is not claimed. Furthermore, the applicant points out similarities of the invention of Roberts and Sainton (page 12, lines 24-26), which has no bearing on the use of these references, seeing that only distinct teachings from both of these references are combined with Gorsuch in order to fulfill a modification. The examiner requests a clearer explanation of the deficiencies of Roberts as it applies to claims 3, 13 and 19.

c. The applicant argued that the cited art with respect the McCanne doe snot disclose any messages being sent back to the client nor is there a retransmission of the request by the client and that McCanne does not relate to the selection of a communication network.

The examiner contends that McCanne discloses sending a request to an address/network (**where this address is equivalent to a network, according to Col 16 lines 48-50**), the address/network sending a redirection message back to the client (**the redirection message is equivalent to the message that the applicant argues that McCanne does not teach, according to Col 16 lines 51-53**), and furthermore, McCanne discloses retransmitting a service request at



824 Col 16 lines 54-56, which is equivalent to the retransmission of a request that the applicant argues that McCanne does not teach. Even though McCanne clearly discloses a selection of networks, where a first service request is sent to a first address (where this address is equivalent to a network), and then the redirection service request is sent to another node (second network is selected) according to Col 16 lines 48-55, the examiner goes even further to introduce Gorsuch, wherein a selection of either the short range or long range networks is performed by the WLAN detection circuit and switches shown in fig 6.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER P. GREY whose telephone number is (571)272-3160. The examiner can normally be reached on 10AM-7:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Moe Aung can be reached on (571)272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aung S. Moe/  
Supervisory Patent Examiner, Art Unit 2616

/Christopher P Grey/  
Examiner, Art Unit 2616